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*Attorney for Defendant Andrew Yeom  
in his official and personal capacities*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS**

**IMPERIAL PACIFIC INTERNATIONAL  
(CNMI), LLC**

**Plaintiff,**

**v.**

**COMMONWEALTH OF THE NORTHERN  
MARIANA ISLANDS;  
COMMONWEALTH CASINO  
COMMISSION; ARNOLD PALACIOS,  
Governor of CNMI, in his official capacity;  
EDWARD C. DELEON GUERRERO,  
Chairman of CCC, in his official and  
personal capacities; RAFAEL S.  
DEMAPAN, Vice Chairman of CCC, in his  
official and personal capacities; MARIANO  
TAITANO, Commissioner of CCC, in his  
official and personal capacities; MARTIN  
MENDIOLA, Commissioner of CCC, in his  
official and personal capacities; RAMON M.  
DELA CRUZ, Commissioner of CCC, in his  
official and personal capacities; and  
ANDREW YEOM, Executive Director of  
CCC, in his official and personal capacities.**

**Defendants.**

**CIVIL CASE NO. 1:24-cv-00001**

**DEFENDANT ANDREW YEOM'S  
REPLY IN SUPPORT OF MOTION TO  
DISMISS FIRST AMENDED  
COMPLAINT PURSUANT TO FEDERAL  
RULES OF CIVIL PROCEDURE 12(b)(1)  
AND 12(b)(6)**

COMES NOW, Defendant Andrew Yeom, Executive Director of the Commonwealth  
Casino Commission, in his official and personal capacities, by and through undersigned

1 counsel, and hereby submits his reply in support of his motion to dismiss Plaintiff's First  
2 Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). In  
3 support of its reply, Defendant Yeom notes the following:

- 4 1. On April 25, 2024, Defendant Yeom filed his motion to dismiss (ECF 41) and  
5 supporting memorandum (ECF 41-1). Plaintiff's opposition to the motion to dismiss  
6 was due May 17, 2024 (ECF 46). Plaintiff did not file an opposition by the deadline.<sup>1</sup>  
7 Pursuant to Local Rule 7.1(c)(2), "[f]ailure to timely file an opposition may be deemed  
8 an admission that the motion is meritorious."
- 9 2. On May 4, 2024, Plaintiff filed a Stipulation of Dismissal of Claims Against Andrew  
10 Yeom in His Official and Personal Capacities. The Stipulation remains pending before  
11 the Court. Unless and until Plaintiff's Motion Seeking Leave to File Second Amended  
12 Complaint (ECF 50) is granted, the Stipulation is not mooted. Defendant Yeom requests  
13 that the court grant the pending Stipulation before ruling on Plaintiff's leave to amend  
14 so Defendant Yeom's dismissal is with prejudice and he cannot be brought back into the  
15 case by a subsequent amendment to the complaint.<sup>2</sup>

16 Defendant Yeom therefore respectfully requests the Court to dismiss him from this action with  
17 prejudice.

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25 <sup>1</sup> Rather, Plaintiff filed Plaintiff's Motion Seeking Leave to File Second Amended Complaint (DN 50) stating that  
26 "[i]t would be prudent to amend the Complaint and remove Mr. Andrew Yeom as one of the defendants, so Plaintiff  
27 does not have to respond to the Motion to Dismiss filed by Mr. Yeom."

28 <sup>2</sup> Plaintiff has in this very case done for another defendant what Defendant Yeom seeks to avoid — Plaintiff named  
Governor Palacios in both his official and personal capacities in the Complaint (DN 1); removed him in his personal  
capacity in the First Amended Complaint (DN 38); and now proposes to reinsert him in his personal capacity in the  
proposed Second Amended Complaint (DN 50-1). Granting either Defendant Yeom's motion to dismiss or the  
pending Stipulation with prejudice would avoid a similar result.

1 Dated: May 23, 2024

OFFICE OF THE ATTORNEY GENERAL

2  
3 /s/

4 Alison M. Nelson (F0540)  
Assistant Attorney General

5 *Attorney for Defendant Andrew Yeom*  
6 *in his official and personal capacities*

7 **CERTIFICATE OF SERVICE**

8 I hereby certify that the above and foregoing DEFENDANT ANDREW YEOM'S  
9 REPLY IN SUPPORT OF MOTION TO DISMISS FIRST AMENDED COMPLAINT  
10 PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 12(b)(1) AND 12(b)(6) was  
electronically filed on May 23, 2024, with service requested to all parties of record.

11  
12 /s/

13 Alison M. Nelson (F0540)  
14 Assistant Attorney General

15 *Attorney for Defendant Andrew Yeom*  
16 *in his official and personal capacities*